

## **REMARKS**

### **I. PRELIMINARY REMARKS**

Minor amendments have been made to the specification in order to correct typographical errors and corresponding amendments have been made to the drawings. Claims 1-31 have been canceled. No claims have been amended. Claims 32-56 have been added. Claims 32-56 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

### **II. PRIOR ART REJECTIONS**

Claims 1-31 have been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the U.S. App. Pub. No. 2001/0052433 to Harris ("the Harris '433 publication"), U.S. Patent No. 5,976,725 to Gamo ("the Gamo '725 patent") and U.S. Patent No. 6,268,077 to Kelly ("the Kelly '077 patent"). As claims 1-31 have been canceled, applicant respectfully submits that the rejection under 35 U.S.C. § 103 has been rendered moot. Nevertheless, in order to advance prosecution, the patentability of the newly presented claims over these references is discussed in Section V below.

### **III. BRIEF DESCRIPTION OF EXEMPLARY EMBODIMENTS**

The present inventions are generally related to a fuel-battery unit that may be used to supply fuel to a fuel cell and supply power, as needed, to an electrical load. As illustrated for example in Figure 2, a fuel-battery unit 220 in accordance with one embodiment of a present invention includes a container with two compartments – a fuel compartment 208 and a battery compartment for a battery 204. When the fuel-battery unit 220 is connected to the fuel cell system 200, fuel will flow out of the fuel battery unit container (i.e. the container that includes a compartment for fuel **and** a compartment for a battery) to the fuel cell. An electrical connection to the battery 204 will also be made. In the exemplary embodiment illustrated in Figure 2, the fuel and

battery connection with fuel-battery unit 220 is made when the fuel battery unit is inserted into the chamber 225.

Turning to Figures 6A-6C, in another exemplary embodiment, the fuel-battery unit includes a container with a compartment for fuel 606 as well as a battery 608 carried by the container. The fuel-battery unit and fuel cell system balance of plant 604 are provided with respective sets of fuel connectors 610 and electrical contacts 612. So arranged, when the fuel-battery unit and fuel cell system balance of plant 604 are connected, the fuel cell stack 602 will receive fuel and the balance of plant 604 will be connected to the battery 608.

#### IV. THE CITED REFERENCES

The Harris '433 publication is directed to a hybrid power supply module that may be used in place of a conventional battery. Referring to Figure 1, the power supply module 15 includes a battery 1 and a fuel cell 3 located within a common housing 2. Fuel for the fuel cell may be provided by a fuel supply that is located within the housing 2. [Paragraph 0029.] In other words, the battery 1, fuel cell 3 and fuel container (not shown) are all located within the same container, i.e. the housing 2.

The Gamo '725 patent and Kelly '077 patent disclose fuel cell systems that include fuel containers.

#### V. NEWLY PRESENTED CLAIMS 32-57

Newly presented independent claim 32 calls for a combination of elements including, *inter alia*, "a fuel-battery **container including a fuel compartment** having fuel stored therein **and a battery compartment** having a battery stored therein" and "a fuel-battery unit fuel connector, operably connected to the fuel compartment, adapted to be connected to the system fuel connector such that fuel can flow **out of the fuel-battery container.**" In other words, fuel must leave a container that houses **both** the fuel and the battery in order to enter the fuel cell. Independent claims 36 and 43 call for, *inter alia*, related combinations of elements.

The Harris '433 publication fails to teach or suggest such combinations. For example, the only aspect of the Harris power supply module 15 that could arguably correspond to the claimed "container" is the housing 2 because, the separate compartment issue notwithstanding, the housing 2 holds both the fuel and the battery 1. In contrast to the claimed combinations, however, fuel does not exit the Harris housing 2 to enter the fuel cell 3 because the fuel cell is **located within** the housing 2. Applicant respectfully submits that there is nothing in the Gamo '725 patent and Kelly '077 patent to remedy this deficiency. Claims 32-49 are, accordingly, patentable thereover.

Independent claim 50 is directed to "a method of fueling an apparatus that includes a fuel cell and an electrical load connected to the fuel cell." The method comprises, *inter alia*, the step of "connecting a single fuel-battery cartridge that includes both fuel and a battery to the fuel cell and to the electrical load." The Harris '433 publication fails to teach or suggest such a combination. For example, the Harris power supply module 15 is not connected to a fuel cell. Instead, it **includes the fuel cell**. Applicant respectfully submits that there is nothing in the Gamo '725 patent and Kelly '077 patent to remedy this deficiency. Claims 50-53 are, accordingly, patentable thereover.

Finally, independent claim 54 calls for a combination of elements including, *inter alia*, "a fuel container including a fuel compartment having fuel stored therein" and "a battery carried by the fuel container." The Harris '433 publication fails to teach or suggest such a combination. For example, the Harris '433 publication, which merely alludes to a fuel supply in the power supply module 15, does not even remotely suggest mounting a battery on a fuel container. Applicant respectfully submits that there is nothing in the Gamo '725 patent and Kelly '077 patent to remedy this deficiency. Claims 54-56 are, accordingly, patentable thereover.

## VI. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the

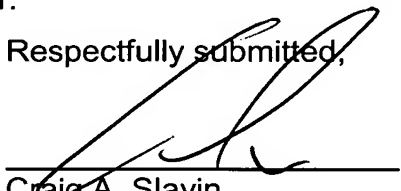
application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-2025. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

6/23/01  
Date

Respectfully submitted,

  
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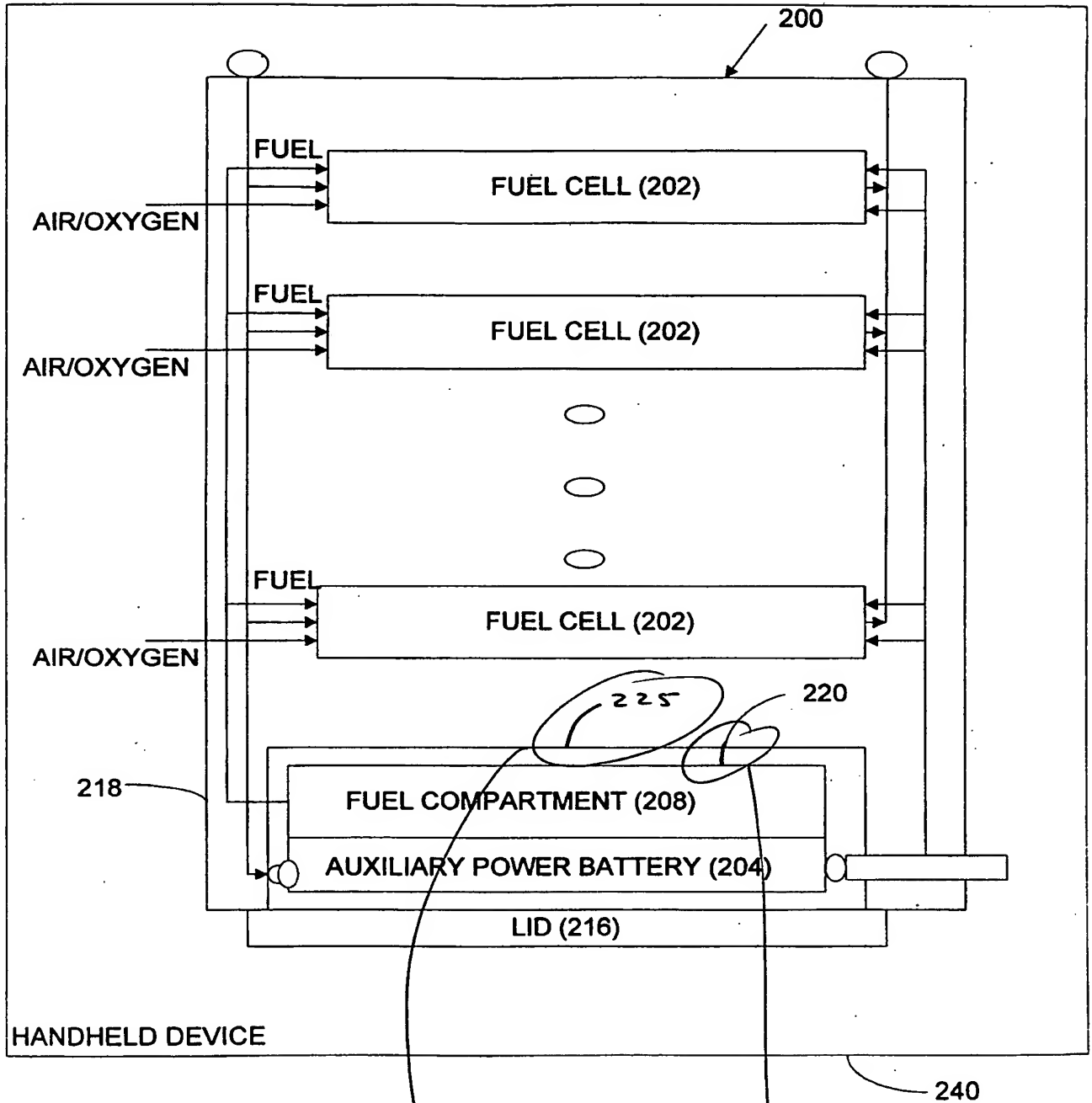


FIG. 2

Added

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